

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

TERRY JOE LORENZ,	:	
	:	
Petitioner,	:	
	:	
v.	:	1:05-CR-11 (WLS)
	:	
UNITED STATES OF AMERICA,	:	
	:	28 U.S.C. § 2255
Respondent.	:	
_____	:	

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge G. Mallon Faircloth (Doc. No. 74), filed March 21, 2006. It is recommended that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 be denied. (Doc. No. 66). Petitioner has also filed a motion for contempt which was not addressed by the Magistrate Judge. Petitioner has filed a timely objection to the Report and Recommendation. (Doc. No. 76).

In his objection to the recommendation, Petitioner continues essentially to make the same arguments that he made before the Magistrate Judge. Petitioner's main argument before the Magistrate Judge and in his objection is that there was an agreement between himself, his counsel and the government that his federal sentence would be served concurrently to a current state sentence. The Magistrate found, and the record supports, that the Government would not object to such a sentence should the Court exercise its discretion and impose such a sentence. The Court chose not to exercise said discretion. Accordingly, Petitioner's objections are without merit. Therefore, the Court rejects and overrules Petitioner's objections. (Doc. No. 76).

As noted previously, Petitioner also seeks to hold the Government in contempt for failing to file a timely answer, pursuant to the Magistrate Judge's order, to Petitioner's petition for relief. (Doc. No. 72). The record is clear that the Government filed a timely response. (Doc. No. 71). Therefore, Petitioner's motion for contempt (Doc. No. 71) is

DENIED.

Upon full consideration of the record, the Court finds that said Recommendation should be and hereby is, **ACCEPTED, ADOPTED** and made the order of this Court for reason of the findings and reasons set out therein, together with the findings made, reasons stated and conclusions reached herein. Accordingly, Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. No. 66) is **DENIED**. Further, Petitioner's motion for contempt (Doc. No. 72) is **DENIED**.

SO ORDERED, this 16th day of June, 2006.

/s/W. Louis Sands
W. Louis Sands, Chief Judge
United States District Court